

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

DEMODULATION, INC.

Plaintiff,

vs.

APPLIED DNA SCIENCES, INC.,  
CORNING INCORPORATED., ALFRED  
UNIVERSITY, ALFRED TECHNOLOGY  
RESOURCES, INC., JOHN AND JANE  
DOES 1-10 (fictitious names for individuals  
whose identities are not yet known), and XYZ  
CORPORATIONS 1-10 (fictitious names for  
corporations whose identities are not yet  
known),

Defendants.

CIVIL ACTION NO:  
2:11-cv-00296 (WJM)

**DECLARATION OF JAMES  
O'KEEFE, JR.**

I, James O'Keefe, Jr., declare and state as follows:

1. I am the CEO of Demodulation and the founder of the company. I provide this statement on the basis of my personal knowledge.
2. I have reviewed the letter dated January 9, 2005 attached to the Declaration of Mr. Hatton and the Declaration of Dr. King submitted on this motion. I wrote that letter based on the information provided to me from Dr. King as described in his Declaration that was provided to him by Shyam Chatlani. Mr. Chatlani's statements to Dr. King did not constitute information that

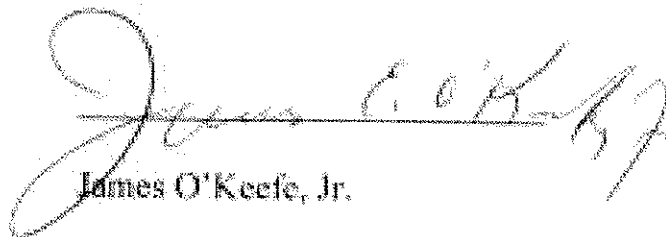
3/30/11 JED

Demodulation's non-disclosure agreement had been breached with Corning. I had no way of knowing the identity of the company Chatlani claimed Corning was working with or that any of Demodulation's confidential information had been given to that company. I did not even know whether that the glass covered wires mentioned by Chatlani were made of amorphous metal or another alloy.

3. The purpose of my letter was to confront Corning with what was essentially the rumor Dr. King had heard from Chatlani. When I received Corning's letter in response dated January 19, 2005, I accepted as true its representation that there had been no breach of the agreement. I do not believe Demodulation could have instituted a lawsuit based on the information provided by Chatlani. I could not have alleged in good faith that I had a factual basis for asserting that Corning had breached the agreement.
4. Before receipt of Mr. Hatton's declaration, I had never seen the letter from him dated February 14, 2005.

Pursuant to 28 U.S.C. § 1746, I certify under penalty of perjury that the foregoing is true and correct. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Handwritten signature and initials in the bottom right corner of the page.



James O'Keefe, Jr.

March 30, 2012